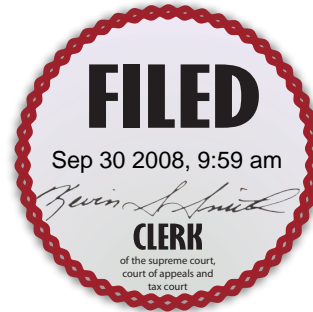


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

HASSAN BLEDSOE,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A02-0801-CR-107
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Annie Christ-Garcia, Judge
The Honorable Melissa Kramer, Commissioner
Cause No. 49G17-0706-FD-119814

September 30, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Hassan Bledsoe appeals his conviction for battery,¹ as a Class D felony. Bledsoe raises the issue of whether the evidence presented was sufficient to negate his claim that he acted in the defense of another person.

We affirm.

FACTS AND PROCEDURAL HISTORY

Bledsoe is married to Annetta, the mother of L.G., age thirteen, and D.G, age twelve. Bledsoe is the stepfather to L.G. and D.G. On June 24, 2007, Annetta called L.G. to their bedroom, to discuss a missing box of condoms. When L.G. refused to answer her questions, Bledsoe grabbed L.G., slammed him against a wall and threw him on the bed. There is conflicting evidence as to whether Bledsoe also choked L.G. and punched him in the ribs. While on the bed, Bledsoe straddled L.G. and yelled at him. Chastity Wilson, L.G.'s godmother, heard the commotion and came running in from D.G.'s bedroom. D.G. followed Wilson and then jumped on the bed, trying to stop Bledsoe. Bledsoe released L.G. and sent him to his room. Wilson called L.G.'s father and then left with L.G. and D.G.

The State charged Bledsoe with battery. After a bench trial, the trial court found Bledsoe guilty and sentenced him to 365 days, with 345 days suspended to probation, 10 days credit for time spent, and 10 days credit for good time. Bledsoe now appeals.

DISCUSSION AND DECISION

Bledsoe contends that the evidence presented was insufficient to rebut his claim that he acted in defense of Annetta. The relevant portion of IC 35-41-3-2, the self-defense statute, reads: "A person is justified in *using reasonable force* against another person to

¹ See IC 35-42-2-1(a)(2)(B).

protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force.” (emphasis added).

The standard of review for a challenge to the sufficiency of the evidence rebutting a claim of self-defense is the same as the standard for any sufficiency of the evidence claim. *Wallace v. State*, 725 N.E.2d 837, 840 (Ind. 2000). We do not reweigh evidence or judge the credibility of witnesses. *Id.* The verdict will not be disturbed if there is sufficient probative evidence to support the trier of fact’s conclusions. *Id.*

When self-defense is raised the State has the burden of negating at least one of the necessary elements. *McEwen v. State*, 695 N.E.2d 79, 90 (Ind. 1998). At trial, conflicting evidence was raised as to whether or not Annetta was present in the bedroom during the incident. *Tr.* at 15, 18, 92, 155. Conflicting evidence was also presented regarding whether Annetta was in danger or not. *Id.* at 13, 91-92, 130, 137, 141, 155.

In support of Bledsoe’s defense of others claim is testimony that L.G. began to ball his fists and moved toward Annetta as if to strike her. *Id.* at 91-92. In contrast, other testimony indicated that L.G. never got angry with Annetta and simply refused to answer her questions. *Id.* at 62. Neither party presented evidence indicating that L.G. ever actually struck Annetta.

The pictures of L.G.’s injuries, admitted into evidence, show injuries near L.G.’s eyes, his arms, ears, and neck. *State’s Exs.* 1-7. Based on that evidence, the trial court concluded that the amount of force used by Bledsoe was unreasonable. *Tr.* at 164. When explaining the decision the trial court said, “So for me, that’s what it comes down to is the injuries that I see. It just doesn’t, I don’t find it to be reasonable.” *Id.* We find the evidence presented sufficient to support the trial court’s conclusions.

Affirmed.

VAIDIK, J., and CRONE, J., concur.